

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

T/EP 00/08568

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	11-17	YES
	Claims	1-10, 18-21	NO
Inventive step (IS)	Claims		YES
	Claims	1-21	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: DE-A-197 53 456

D2: EP-A-0 279 238

D3: EP-A-0 421 371.

2. Document D1 claims two-component curable compositions for dental elastic impression compounds comprising a base component, which contains N-alkyl aziridine polyol ethers and polyols, and a catalyst component, which contains at least one acid. The acid can be tetrafluoroboric acid (see the claims, the examples and the tables in D1).

Tetrafluoroboric acid is a boric acid derivative as mentioned in Claim 1. There is no reason to assume that this boric acid derivative should not also form complexes with the OH functional compounds likewise present in the mixtures as per D1. If, however, there were to be a technical reason, Claim 1 is worded so broadly that it also contains variants which do not solve the subjective problem addressed by the applicant.

Consequently, the subject matter of Claims 1-10 and 18-22 is not considered novel over D1.

The method features (see also Box VIII) cannot be regarded as delimitation criteria in relation to the prior art, since they are features which cannot be detected in the finished product.

The applicant has not shown that the additional features of dependent Claims 11-17 produce a (surprising) technical effect. Consequently, an inventive step cannot be acknowledged for these claims.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 1 characterises elastomeric materials based on N-alkyl aziridino compounds in terms of method features for the production thereof (product-by-process claim):

The catalyst components in product Claim 1 are characterised by method features which can no longer be determined in the finished elastomeric materials ("which can be obtained by reacting..."; "it being possible for the OH functions to be present in a completely or partially protected form"; "the reaction taking place either as a preliminary reaction...or during or after the production...or by mixing").

Claims 6-9, which are dependent on Claim 1, also contain method features which can no longer be determined in the product.

Such product-by-process claims are acceptable only if the products, i.e. the elastomeric materials, as such are novel and inventive and the application contains no other information which would enable the applicant to sufficiently characterise said products in terms of their composition, structure or any other verifiable parameter. The elastomeric materials, however, can clearly be characterised by structural parameters (type of monomers; proportion, etc.) and in the form of claims such as "kit comprising base components and catalyst components".

2. It is unclear which of the components contains the

INTERNATIONAL SEARCH REPORT

Internat. J. Application No
PCT/EP 00/08568

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61K6/10 C08G73/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A61K C08G

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 197 53 456 A (ESPE DENTAL AG) 10 June 1999 (1999-06-10) page 5, line 10 - line 14; claims; tables	1-11, 19-21
A	EP 0 279 238 A (ESPE STIFTUNG) 24 August 1988 (1988-08-24) cited in the application claims	1-21
A	EP 0 421 371 A (THERA PATENT GMBH) 10 April 1991 (1991-04-10) cited in the application claims	1-21

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *Δ* document member of the same patent family

Date of the actual completion of the international search

18 December 2000

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27/12/2000

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